

37. (Amended) The nucleic acid fragment of claim 22, wherein said nucleotide sequence:

is a nucleic acid sequence that is identical to or is a degenerate of a sequence starting at nucleotide 1232 and ending at nucleotide 2207 of SEQ ID NO: 1 or the corresponding RNA sequence, or

is a full complement of said nucleic acid sequence.

38. (Amended) The nucleic acid fragment of claim 23, wherein said nucleotide sequence:

is a nucleic acid sequence that is identical to or is a degenerate of a sequence starting at nucleotide 1266 and ending at nucleotide 2207 of SEQ ID NO: 1 or the corresponding RNA sequence, or

is a full complement of said nucleic acid sequence.

REMARKS

Claims 1, 2, 5, 7, 8, 10-27, 32, 34 and 36-40 are pending. By the Office Action, claims 1 and 2 are allowed and claims 5, 7, 8, 10-27, 32, 34 and 36-40 are rejected. By this Amendment, claims 10 and 36-38 are amended. No new matter is added.

The attached Appendix includes marked-up copies of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

I. DEFINITENESS

Claims 5, 7, 8, 10-27, 32, 34 and 36-40 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for allegedly failing to point out and distinctly claim the subject matter that Applicants' regard as the invention. Applicants' respectfully traverse the rejection.

The Office Action indicates that claims 5 and 8 are allegedly vague and confusing, and encompass a probe/primer that is derived from a fragment, where the fragment is 85%